[Dr. Nagen Saikia]

I should not go into the points made by Ahluwalia Saheb in detail because there is no time for that now.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): You make up your mind on what you want to do.

DR. NAGEN SAIKIA: In my speech, Sir, at the time of introduction...

SHRI MENTAY PADMANABHAM: Are you going to press for the Resolution. or are you withdrawing it?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): No, he is not withdrawing. Only one minute is there.

DR. NAGEN SAIKIA: Two minutes are there. I will finish quickly.

SHRI MENTAY PADMANABHAM: There can be no more discussion on this Resolution now.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): You go ahead.

DR. NAGEN SAIKIA: Hon. Members, Dr. Ratnakar Pandey and others, also spoke. Dr. Ratnakar Pandey, of course, supported the Resolution with some reservation. Some Congress Members also supported it partially. All the Members of the Opposition have supported the Resolution wholeheartedly, and I am very much thankful to them.

Gandhiji said, "India is one in many and many in one." I always feel that recognising of these many in one and giving their dues, proper dues, and power to these many, will keep India one and united. When I moved this Resolution. in my speech I said, "To remove a sense of. feelings of secessionism or feelings of partisanship, we shall have to give more autonomy to the States. Otherwise, those feelings will grow up. It will disintegrate the country. It will be deterimental to the whole nation". So, as an Indian, as a true Indian. I feel that it is high time that we think of the matter and take some steps to give more autonomy to the States.

As there is no time and the hon. Minister has stated that he would consider my views in future, once more I want to emphasise that the recommendations made by the Sarkaria Commission are not quite adequate to meet the demands of the present time. As the Minister has said that he would go into its details and would consider my Resolution, with this hope that the Government would come with a Bill to remove the inadequacies that have been found in the Sarkaria Commission's Report, I withdraw the Resolution.

5.00 P.M.

The Resolution was, by leave, withdrawn.

CLARIFICATIONS ON THE STATEMENT MADE BY RE: ALLEGED RAPE OF HARIJAN WOMAN BY POLICE IN LAKHIMPUR KHERI, UTTAR PRADESH.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Shri Satya Prakash Malaviya. Not here.

DR. NARREDDY THULASI REDDY (Andhra Pradesh): In the Statement there are five main events. The incident took place on 22nd October. On the same day a criminal case was registered at Police Station Kotwali, Lakhimpur against Shri Badlu, the father of the girl, 18 other named persons and 3-4 unknown persons. On 11th November, a case was registered against Constable Taj Mohammad, Constable Krishna Pal Singh, Mustafa and eight other persons on the report of Shrimati Dhura. On 15th November Mustafa was arrested and on 18th November other two constables were arrested. These are the main five events in the Statement. My doubts are as follows. On 22nd October at what time Constable Krishna Pal Singh and Mustafa had dinner at Village Taparpurwa. Time

is not mentioned in the Statement. At what time did they reach the house of Badlu at village Hardua. Time is not mentioned about both these events. Then what is the distance between the two villages *viz.* Taparpurwa and Hardua? Next point is what is the role of Shri Purnanand, the host who had given dinner to the constables in this episode? Fourth point is that the Constable Taj Mohammed had not gone to Hardua village, but was implicated in the case. Why was he implicated in the case. The next point is that Shrimati Dhura gave report on 11th November. That incident took place on 22nd October. That means there is a gap of 19 days between these two dates. Why was there so much delay? What happened during these 19 days? Next point is that the case against Shri Badlu, the father of the girl. 18 other named persons and 3-4 unknown persons was registered on 22nd itself. If the case was registered really on the same day itself *i.e.* on 22nd, why nobody has been arrested so far. Is it not that the registration of the case was *ante-date*? Next point is, is there any forensic report available? If so, what is there in that. Lastly I would like to know whether this case will be referred to a special court or not. These are my questions.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Shri Sangh Priya Gautam. Not here.

श्रीमती सत्या बहिन (उत्तर प्रदेश): उप सभाध्यक्ष महोदय, यह जो वक्तव्य दिया है, यह बड़ी शर्मनाक घटना है और मैं यह कहना चाहती हूं कि जब 22 अक्तूबर की घटना हुई थी तो उस घटना में केवल यह देखा गया था कि यह कहां तक दब सकती है । यही नहीं जो व्यक्ति या इससे पीड़ित जो पक्ष था, जिस महिला के साथ बलात्कार किया गया, उसके पति और पुत्र जो बचा रहे थे और जो अपने न्याय की मांग कर रहे थे और अपराधियों के साथ जो पुलिस-वर्दी में थे, पुलिस के कर्मचारी थे, उनके विरुद्ध अपने न्याय के लिए जो संघर्ष कर रहे थे, उनके खिलाफ 22/23 अक्तूबर को ही एक रिपोर्ट दर्ज की गई । मान्यवर, उसी दिन उसमें कितनी तत्परता दिखाई गई, उसमें कोई कोताही नहीं बरती गई । इसका मतलब है कि पूरा पुलिस प्रशासन किस तरह से अनुसूचित जातियों के साथ और महिलाओं के साथ बलात्कार करता है और अनुसूचित जाति के लोगों को आतंकित करता है, यह एक प्रमाण है । मान्यवर, क्योंकि अगर हम लोग, सभी सांसद इस घटना को यहां लोक सभा या राज्य सभा में नहीं उठाते तो मैं समझती हूं कि न जाने ऐसी इतनी कितनी घटनाएं होती हैं, जो प्रकाश में नहीं आती हैं और जिस पर हम लोग सदन का ध्यान आकर्षित करते हैं, उसी पर माननीय मंत्री जी ने यह वक्तव्य दिया है ।

मान्यवर, 22 अक्तूबर को जो यह घटना हुई है उसमें 11 नवम्बर को केस दर्ज हुआ । कितना डिले हुआ ? इसमें क्या होगा ? मेरी यह समझ में नहीं आता है कि इसके बावजूद भी उन लोगों को न्याय मिलेगा या नहीं मिलेगा, क्योंकि इतनी देर हो चुकी है कि उसमें गवाह कहां से लायेंगे ? अपने स्पष्टीकरण के माध्यम से मैं उत्तर प्रदेश सरकार के ऊपर मैं इस बात का आरोप लगाती हूं कि किसी पीड़ित पक्ष को या जो उत्पीड़ित दलित जातियां हैं, उनको न्याय देने की, उनको सुरक्षा देने की उत्तर प्रदेश सरकार के अन्दर कोई भी संकल्प शक्ति नहीं है । तो मैं यह निवेदन करूंगी कि क्या माननीय गृह मंत्री जी कोई एक सर्वदलीय कमेटी गठित करेंगे और वहां पर इस मामले को गंभीरता से लेकर उसको विशेष कोर्ट में ले जाकर क्या व्यवस्था करेंगे ? साथ ही इसमें गवाही कहां से आयेगी ? मान्यवर, जब पहले ही केस इतना बिगड़ चुका है कि घटना 22 अक्तूबर को होने के बाद 11 नवम्बर को यह केस दर्ज किया गया, तो मुझे इसमें पूरी आशंका है कि इसमें किस तरह से न्याय दिया जायेगा, इस बात को माननीय गृह मंत्री जी ध्यान रखेंगे । धन्यवाद ।

कुमारी सईदा खातून (मध्य प्रदेश) : माननीय उपसभाध्यक्ष महोदय, मैं माननीय मंत्री जी से यह जानना चाहती हूं कि 22 अक्तूबर, 91 को जो अभद्र व्यवहार किया गया और यह अपराधिक मामला 11 नवम्बर, 91 को दर्ज किया गया । तो यह 20 दिन का अंतर जो मामला दर्ज कराने में लगा, उसकी वजह क्या थी और दूसरा, मेरा स्पष्टीकरण पूछने का यह मतलब है कि 15 नवम्बर, 91 को मुस्तफा और तीन दिन बाद दो अन्य व्यक्तियों को गिरफ्तार किया गया, तो इसके पीछे क्या कारण था ? क्या यह दोनों अपराधी भाग गये थे तो उनकी गिरफ्तारी किस गांव में हुई ? स्टेटमेंट के अनुसार श्री बदलू और अन्य 18 व्यक्तियों तथा तीन-चार अज्ञात व्यक्तियों के खिलाफ पुलिस थाना लखीमपुर में एक अपराधिक मामला दर्ज किया गया । तो क्या यह मामला झड़प की घटना का था या उसी रात दर्ज किया गया था जब झड़प की घटना हुई थी या फिर यह मामला अभद्र व्यवहार का मामला था, जो काफी दिनों बाद दर्ज किया गया ? इन दोनों मामलों में इसमें देरी क्यों की गयी और जो यह थाकरपुरवा गांव की घटना है, जहां अपराधियों ने शराब पी थी और अभद्र व्यवहार दूसरे ग्राम-हरदुआ में किया गया । तो इन दिनों गांवों में कितनी दूरी है और जब यह घटना घटी, जिस महिला के साथ अभद्र व्यवहार किया गया तो उसके परिवार में और कितने सदस्य थे, जिनके सामने यह घटना घटी या कोई भी नहीं था, मैं यह जानना चाहती हूं ?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Smt. Kamla Sinha, absent. Smt. Mira Das, absent. Mr. V. Narayanasamy, absent. Mr. Sarada Mohanty.

SHRI SARADA MOHANTY (Orissa): Mr. Vice-Chairman, Sir, in the Minister's statement it has been said "Both these cases are under investigation". This is an established case. This is a case between the police and the Harijan people. May I know from the Minister whether this case is being investigated by the police or by somebody else? If it is investigated by the police then in order to save themselves from the case, they will not investigate it properly. Therefore, may I know from the Minister whether the Government is going to hand over this case to the Central Bureau of Investigation or get it ivestigated by any special court? That is all, I want to know.

SHRIMATI BIJOYA CHAKRAVARTY (Assam): Mr. Vice-Chairman, Sir, atrocities against women are increasing in this country day by day. More atrocities are committed by the Army men as has happened in many States, including Assam. In the same way police, CRPF and para-military persons also resort to rape and other atrocities against women. So, I want to know from the hon. Minister what steps the hon. Minister wants to take to discipline such immoral elements among the protectors of the country. Secondly, I want to know whether the Minister is going to plan some duty-bound action so as to inculcate morality among the immoral forces.

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): Sir, this incident which happened in Uttar Pradesh is brought before the Rajya Sabha. I want to know how the Central Government is going to deal with such things which happen in States. Nowadays. such things happen again and again all over the country; particularly, in some States. What is the machinery that we have set up in order to prevent such things? Their number has increased manifold. Out of the toal number of 5916 of cases of rape in 1991 throughout the country, 1532 have taken place in Madhya Pradesh itself and 922 in Uttar Pradesh. And in my own State of Andhra Pradesh also, they are taking place by policemen. I am not just referring to general rapes, but rapes by policemen, constables. There are serious cases in which they are involved.

That is why I would like to know how the Central Government is going to advise the State Governments or what machinery would be set up in order to see that such things are dealt with and prevented. I want clarifications on these points.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Kumari Alia.

Before you begin, the House wishes you 'all the best' on your birthday. The House says Happy Birthday' to you.

KUMARI ALIA (Uttar Pradesh): Thank you. Sir

डाईस चेयरमैन सर, मैं आपके माध्यम से यह जानना चाहती हूं कि श्रीमती धूरा के साथ जो अभद्र व्यवहार किया गया, उसका केस कौन लड़ेगा ? उसको कितना मावजा दिया जाएगा ? उसके साथ बलात्कार किया गया, उसकी इज्जत लूटी गई और बराबर इस तरह के वक्यात होते रहते हैं । मैं जानना चाहती हूं कि गांव वालों की संख्या कितनी थी ? महोदय, महिलाओं के साथ जो अभद्र व्यवहार हो रहा है, भविष्य में ऐसा न हो, सरकार इसके लिए कोई ऐसा कानून बनाए जिससे कि महिलाओं की इज्जत लूटी जाए या महिलाओं का चरित्र-हनन किया जाए तो दोषी लोगों को सजा दी जा सके । इसके बारे में सरकार को बहुत ध्यान देने की जरूरत है । इन शब्दों के साथ मैं आपका शुक्रिया अदा करती हूं ।

SHRI JOHN F. FERNANDES (Goa): Thank you, Mr. Vice-Chairman. I do not want to go into the details of names and dates. But it is a fact that on and off, we hear news that there are rapes committed by army personnel and policemen in uniform. And these are the people who are supposed to be the guardians and who are to see that such atrocities, specially on women and minorities, are not committed. The Government has already amended the Indian Penal Code and inserted the clause of 'custody rape'. This will help where there are no witnesses. But I would like to know from the hon. Home Minister whether they are contemplating to bring in some legislation for prosecution where the police are involved in such crimes against women, specially minority women, so that these people can be tried by special courts. Special courts, on the pattern of military courts, should be established by the Government to try cases where policemen are involved. It is a common sight that whenever such offences are committed, the erring policemen are transferred to some other place or they are sent to the police lines. We hardly hear the word of 'suspension' or dismissal'. I would like to know from the hon. Minister whether the law will be amended to see that special courts are established and ordinary citizens are protected. Thank you.

श्री राम अवधेश सिंह (बिहार) : उपसभापति महोदय, इस तरह की घटनाएं आम होती रहती हैं और हर साल एक बार या दो बार महिलाओं पर बलात्कार की घटनाओं के बारे में इस सदन को बहस करनी पड़ती है और खासकर शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स की महिलाओं के साथ ही बलात्कार होता है। हम लोग यह नहीं सुनते हैं कि अपर कास्ट की महिलाओं के साथ बलात्कार हुआ । तो आखिर यह क्या बात है? इस संबंध में जब तक सरकार कोई सख्त कदम नहीं उठाएगी, क्योंकि पुलिस का भी क्रोध और पुलिस की भी कामी भावना केवल शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स की औरतों के साथ जागती है । क्यों ऐसा होता है ?

श्रीमन्, मेरा सरकार से अनुरोध है कि वह जवाबदेही तय करे और एस. पी. या कलेक्टर को कह दे कि जो भी शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स और माइनारिटीज सेक्शंस के लोग है उन पर इस तरह के बलात्कार होंगे तो इसकी जिम्मेदारी वहां के एस.पी. या कलेक्टर

[श्री राम अवधेश सिंह]

पर होगी । तो मैं जानना चाहता हूं कि क्या सरकार गृह मंत्रालय से कोई ऐसा फरमान या निर्देश जारी करेगी या सरकार इस सदन में कोई ऐसा बिल लाएगी कि ऐसे मामलों में जवाबदेह उस अफसर को माना जाएगा जो वहां के सबडिवीजन का आफिसर होगा और इस बिल के जरिए रिस्पांसिबिलिटी फिक्स करेगी ? यदि ऐसा नहीं करेगी तो हर साल यहां सदन में दो, तीन या चार बार इस प्रकार की बलात्कार की घटनाओं पर चर्चा करेगी और कार्यवाही कोई भी नहीं होगी । इसलिए मैं चाहता हूं कि इस तरह का कोई बिल सरकार लाए या एक्जीक्यूटिव आर्डर दे ताकि इस तरह की घटनाओं की पुनरावृत्ति न हो ।

श्रीमती सत्या बहिन : महोदय, मैं एक बात और कहना चाहती हूं कि जो केस उस महिला के बाप के खिलाफ लगाया गया है पुलिस वालों ने, क्या वह वापसी लिया जाएगा या नहीं ? यह बात भी स्पष्ट करें ।

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Sir, I am thankful to Dr. Thulasi Reddy, Shrimati Satya Bahin, Kumari Sayeeda Khatun, Shri Sarada Mohanty, Shrimati Bijoya Chakravarty. Shri Moturu Hanumantha Rao, Kumari Alia, Shri John F. Fernandes and Shri Ram Awadhesh Singh for participating in the debate and asking questions. Sir, I am really handicapped in a way because this happened in the State of U.P. and as everybody knows, this is essentially a question of law and order concerning the State Government where they should have taken initiative in this particular incident. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Ram Awadhesh Singh, the Minister is not yielding. You please sit down. Mr. Minister, you please go ahead.

SHRI M. M. JACOB: As regards the atrocities on Scheduled Castes and Scheduled Tribes, when this matter comes, the Ministry of Welfare will certainly examine this and conduct further probe into the matter to find out what exactly has happened My statement pertains to the information supplied by the State Government of U.P. In addition to what I read, I don't think there is any further information which I can give. But at the same time, I must reply to some of the major points raised by the hon. Members. There was a question whether any forensic report was there. Dr. Thulasi Reddy asked me this question. Sir, there is no mention of any such report by the State Government and not even a report of going to hospital and all that. In the whole thing about this case I find a time-lag. According to the information, this happened on 22nd or 23rd night and the case was registred on the 11th December. So you find a considerable gap. Probably, in a rape case if you want to have the First Information Report of the hospital or if you want to have any forensic test to be held, you have to get it done immediately. After all she is a married woman, I am told. Another question raised was whether she was alone there. Her father was there. He was the person concerned there. He was manhandled. This is what people say. He was also there. All these facts are there. We cannot provide more facts because unless the State Government furnishes us more facts, we will not be in a position to say anything more. Why there is delay, I cannot answer from my information from the State Government. but I find from the report of one of the newspapers that that newspapers office also got it on the 11th December. It means when it was made public, naturally the second incident of arresting the police-men and booking them started on that day. I think the report of *the Navbharat Times* was two constables went to their house to collect some information or serve some summons to them.

That is how the newspaper report came. That also we have to get verified. Anyway, the U.P. Government has handed over the case to a Special Inquiry Cell under the CID. The Superintendent of Police also visited the place after the incident; not then but after the incident. Another question was asked by an hon. Member: Is there any special court set up for this purpose? There is no mention of any special court. One Member asked whether there is any possibility of a law which is competent to handle it. That is the main question.

Beyond what we have done already there are various measures for crimes against women; all those pieces of legislation are there including eve-teasing; legislations are there, but their implementation has to be honestly done. At implementation stage, the Government of India at the moment, as rules stand at present, may not be able to enter into a State and go into an inquiry, but we have to strike a balance somewhere. Since she is a Harijan woman and since the matter is regarding police constables alleged to be involved in raping a Harijan woman, it has a different dimension. That is why we collected the information. When Shri Ram Naresh Yadav and other Members raised it, we immediately wrote to the U.P. Government and also telephoned them to get additional information. Whatever information they have given is placed before you in the statement. I never even thought that it had to be a statement made in the usual course when you came up for clarifications. Why? Because it arose out of a question asked by the Member. In fact we wanted to get you the correct information as far as possible from the State Government concerned. I got the information. Whatever is available with us is placed before you and we are pursuing the matter with the U.P. Government. We have aksed them what the compensation paid was. I have asked them and I have not got a reply to that. Sometimes we give compensation to such victims. First of all we have to establish who the real victim is. That also has to be found out only by investigation. Let us wait for the report of the Special Inquiry Cell which is going into this question and if there is any additional information forthcoming, I will certainly tell the Hoose. This is all that I can do at the moment. Thank you very much for giving me the time...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): There is no debate. Ram Awadhesh-ji, the statement is over now.

श्री राम अवधेश सिंह : इन्होंने जवाब नहीं दिया । मैंने जो पूछा था शैड्यूल्ड ट्राइब्स और शड्यूल्ड कास्ट्स के मामले में जो रेप की घटनाएं होती हैं उनको रोकने के लिए सरकार कोई लेजिस्लेशन लाएगी ताकि रिस्पोंसिबिलिटी फिक्स की जाए अफसरों पर ? इसके बारे में आप बताइये ना । आप बड़ी बीमारी की जड़ में जाने की कोशिश कीजिये । कूड़ा करकट की सफाई करने का काम बाद में करिये । अगर कीड़े मारोगे तो फिर नये कीड़े हो जायेंगे । आप इसके बारे में बताइये कि रिस्पांसिबिलेटी फिक्स करने के लिये लेजिस्लेशन ला रहे हैं या नहीं ?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please sit down.

श्री राम अवधेश सिंह : आपने जो कहा वह मैंने सुना । मैं इतना जानना चाहता हूं कि इसका आखिर क्या कारण है, सदन में मंत्री जी क्या आश्वासन दे रहे हैं ?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): He need not reply to this. He has clarified.

SHRI M. M. JACOB: I need not reply. I have clarified the position.

SHRIMATI VEENA VERMA (Madhya Pradesh): You came late.

SHRI M. M. JACOB: I came late!

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Now, we will proceed to another statement.

श्री राम अवधेश सिंह : उपसभाध्यक्ष महोदय, मेरी बात का तो मंत्री जी जवाब दें, कुछ तो मंत्री जी बतायें।

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please sit down. Ram Awadesh Singh-ji, that matter is over. Now, the Minister for Coal will make a statement with regard to the *TIMES OF INDIA* group of newspapers. Mr. Sangma.

STATEMENT BY MINISTER THE TIMES OF IIDIA GROUP OF NEWSPAPERS

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI P. A. SANGMA): Mr. Vice-Chairman, Sir, some hon. Members had raised in the House the issue relating to steps being taken by the management of *Times of India Group* of Newspapers and in particular in respect of publication of *Nav Bharat Times*. A section of the Press had also reported that M/s. Bennett Coleman and Co. of *the Times of India Group* had decided to close down the News Bureau of *Nav Bharat Times* and to convert it into a translated version of the *Times of India*. The report also stated that a number of news persons would be retrenched. Some of the journalist bodies too reportedly have protested against the developments.

The management of the *Nav Bharat Times* has also following the above, come out with a clarification in the Press that the newspaper reports were "unfounded". The management have further stated that they have only sought sharing of group editorial resources across the group publications to enhance the value of each publication in the Group while continuing to retain its identity.

While the Government would not wish to intervene in the internal matters of newspaper establishments in the interest of freedom of the press, should there be any violation of law, it shall ensure due action as may be specifically called for.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Shri Shankar Dayal Singh. He is not present. Shri Kapil Verma.

SHRI KAPIL VERMA (Uttar Pradesh): Sir, the Minister has talked about law. I would like to submit in all humility that it is not a mere mundane question of law. It involves the very future of journalism in this country, the very future of language journalism, especially Hindi journalism. In fact, I call it a body blow to Hindi journalism. *Nav Bharat Times*, as you know, is one of the best Hindi papers in the country and this order of translating everything, converting all the publications into mere translations, will destroy Hindi journalism, will destroy the growth of Hindi journalism. There will be no independent writing. There will be no independet articles. The irony of the situation is that at a time when the Hindi Press is growing up, some people are trying to cripple it by such actions. These are Hindi newspapers which are read in every village, in every district and everywhere. It involves freedom of the press. There-